

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THERON JONES,

2:11-CV-587 JCM (PAL)

Plaintiff,

V.

REPUBLIC SERVICES, INC., et al.,

Defendants.

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Leen (doc. 3) regarding plaintiff Theron Jones' failure to submit a complete application to proceed *in forma pauperis*. Plaintiff was required to file any objections to the report and recommendation by October 3, 2011. (Doc. #3). Plaintiff did file an objection, but it was not timely. (See Doc. #5). Additionally, to date, plaintiff has failed to file a complete application to proceed *in forma pauperis*.

On August 22, 2011, Magistrate Judge Leen ordered plaintiff either to submit a complete application to proceed *in forma pauperis* or pay the \$350.00 filing fee by September 22, 2011. (Doc. 2). The order stated that “[f]ailure to comply with this order will result in a recommendation to the district judge for dismissal.” (Doc. #2). As stated above, plaintiff has failed to file a complete application, request an extension of time to file a complete application, or pay the \$350.00 filing fee. Therefore, Magistrate Judge Leen recommended that this court dismiss plaintiff’s complaint. (Doc. 3).

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1 The court also notes that plaintiff previously filed a case arising out of the same nucleus of
2 operative facts. (*See Allen, et. al. v. Republic Silver State Disposal, Inc.*, Case No. 10-cv-00827).
3 This other case is also currently pending before the court. Any claims alleged in the instant case
4 could have, and should have, been alleged in plaintiff's previously filed case.

5 Upon review of the report and recommendation (doc. #3), and there not being any timely
6 filed objections,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that United States Magistrate Judge Peggy A. Leen's recommendation (doc. #3), be, and the same hereby is, AFFIRMED in its entirety.

IT IS THEREFORE ORDERED that the complaint be, and the same hereby is, DISMISSED without prejudice.

12 DATED October 17, 2011.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE